

AMENDED IN SENATE MAY 29, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 441

Introduced by Assembly Member Parra
(Coauthor: Assembly Member Solorio)

February 16, 2007

An act to add Section 1203.077 to the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 441, as amended, Parra. Sentencing: methamphetamine.

Under existing law, persons sentenced to certain misdemeanors may be sentenced to probation.

This bill would provide that any person convicted of selling methamphetamine who is granted probation shall be confined in a county jail for at least 120 days as a condition of probation. That minimum sentence would be required to be imposed in every case unless the court finds that it is in the interest of justice ~~to~~ not to impose that sentence, and states on the record the circumstances indicating why justice would be served by not imposing that minimum jail sentence.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.~~

2 ~~SECTION 1.~~ Section 1203.077 is added to the Penal Code, to
3 read:

4 1203.077. Any person convicted of violating Section 11379
5 of the Health and Safety Code, relating to the sale of
6 methamphetamine, who is *eligible for and* granted probation, shall
7 be confined in a county jail for at least 120 days as a condition of
8 probation. That minimum sentence shall be imposed in every case
9 unless the court finds that it is in the interest of justice ~~to not~~ *not*
10 *to* impose that sentence, and states on the record the circumstances
11 indicating why justice would be served by not imposing that
12 minimum jail sentence.